



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Voluntary Report - public distribution

Date: 10/23/2003

GAIN Report Number: E23199

European Union

Food and Agricultural Import Regulations and Standards

Clarifications on the Proposal on Nutrition and Health Claims

2003

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Report Highlights:

Since publication of a proposal for EU rules on nutrition and health claims for foods, many misconceptions have sprung up in the press regarding what these regulations would ban. The EU Commission recently presented a press release on the subject to clarify misunderstandings and set the record straight.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2]
[E2]

Since the release of the proposals for regulations on health and nutrition claims in July, many misconceptions of the new rules have presented themselves in the press. The EU Commission recently published a memo on the subject to clarify the issues that have sprung up in the past months.

The full text of these clarifications is available at:
<http://europa.eu.int/rapid/start/cgi/guesten.ksh?reslist>

What the regulations cover

The proposed regulations (ref. GAIN Reports E23136 and E23036) set up a framework in which to establish nutrition (e.g. "low fat") and health claims (i.e. a positive relationship between the product and the health of the consumer). The regulations also set up a framework in which to set up nutritional profiles.

Claims that would NOT be allowed are:

- Claims referring to general well-being
e.g. "preserves youth"
- Claims making reference to psychological and behavioral functions
e.g. "improves your memory"
- Slimming or weight control claims
e.g. "halves calorie intake"
- Reference to and endorsement by doctors or health professionals
i.e. suggesting that not eating a certain food may lead to health problems
- Health claims on alcoholic beverages above 1.2%

The regulations are meant to serve as a tool to better inform customers, prevent misleading advertising and labeling, and to streamline diverse national rules.

The Commission's clarifications

Many concerns have surfaced that slogans for non-food products (e.g. "Bayer works wonders") will be banned. According to the Commission, there should be no concern that slogans for non-food products will be affected, since the regulation only covers food products. Similar concerns regarding popular slogans for food products have surfaced as well. As long as the slogans do not make health or nutrition claims, they will be allowed (e.g. "Skim milk does not come from skinny cows" or "Good to the last drop").

More reports in the press have claimed that there will be an all-out ban on food advertising. The regulation does not at all ban advertising; rather, it prevents misleading consumers by regulating the nutrition and health claims used in labeling and advertising.

The only nutrition and health claims that WILL be banned are those that are unclear, inaccurate and unsubstantiated. Nutrition and health claims that mislead or misinform consumers through advertising and labeling will also not be permitted. These, along with the claims listed above referring to general well-being, etc, will all be banned under the new regulations.

Further clarifications

The regulations also set up new guidelines by which to label foods that are low in fat or calories. These guidelines have received bad press, including claims that the Commission will require difficult and costly testing for these products. The Commission has clarified that this is not the case. Simply put, in order to claim that a product is low in fat, it must be less than 3g/100g or 1.5g/100ml. Misleading claims like "90% fat free" (which actually means a rather high fat content of 10%) will not be allowed.

Some reports have claimed that the requirement of scientific substantiation for health and nutritional claims will stifle the industry and hinder development. The Commission has pointed out that health claims are already scientifically researched, and this measure will simply ensure that all claims relating to health will be for the information and benefit of the consumer.

The Commission has also reiterated that an entirely new agency will NOT be set up in order to implement and monitor these new regulations. The task will fall on the European Food Safety Authority (EFSA).

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Related reports from USEU Brussels:

Report Number	Title	Date Released
E23136	Commission Proposal on Nutrition and Health Claims	7/18/2003
E23036	Draft Proposal on Nutrition and Health Claims	3/11/2003